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UNCLAS KINSHASA 000197

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SUBJECT: DRC: SUPREME COURT CERTIFIES REFERENDUM RESULTS,
DEBATE CONTINUES ON ELECTORAL LAW

REF: KINSHASA 58

11. (U) The Supreme Court on February 3 certified the results of the December 18-19 constitutional referendum. As reported reftel, the referendum passed with 84 percent of the vote in favor and 16 percent against. The constitution will become effective after being promulgated by President Joseph Kabila.

12. (U) Members of Parliament are continuing their debate on the electoral law, which must be adopted before national elections can be held. As of February 4, the Parliament had adopted 116 of the bill's 235 proposed articles. Among the most important elements in the bill is the decision to use so-called "open lists" for the election of legislative and provincial candidates. (Note: "Open lists" means political parties cannot rank order candidates on their list for any given electoral district. End note.) The current draft law of the electoral law divides the country into 169 electoral districts, which would elect 500 deputies for the National Assembly. Approximately one-third of the new districts would elect only one representative to the National Assembly. The draft law also calls for a mixed electoral system, using a combination of a simple majority system (for single-seat districts) and a proportional system (for districts with two or more seats). Final adoption of the law is expected by the end of the week.

13. (SBU) Comment: If adopted, the current draft of the electoral law with its provisions for "open lists" and a mixed voting system will present a significant logistical challenge for DRC elections officials. Any further delays in adopting the law will create additional strain on the already compressed electoral calendar. Elections must take place and a new government must be installed by June 30, so it is therefore essential that Parliament quickly pass an electoral law. End comment.

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